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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/007,393

10/26/2001

Joel S. Hochman

Athena I

9804

30996 7590 10/12/2007
ROBERT W. BECKER & ASSOCIATES
707 HIGHWAY 333
SUITE B
TIJERAS, NM 87059-7507

EXAMINER

MARMOR II, CHARLES ALAN

ART UNIT

PAPER NUMBER

3735

MAIL DATE

DELIVERY MODE

10/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|--------------------------|---------------------------------|--------------------------------|--|
| Interview Summary | Application No. 10/007,393 | Applicant(s) HOCHMAN ET AL. | |
| | Examiner Jeffrey G. Hoekstra | Art Unit 3736 | |

All participants (applicant, applicant's representative, PTO personnel):

- (1) Jeffrey G. Hoekstra. (3) Robert W. Becker.
 (2) Charles A. Marmor, II. (4) Marilyn Chimes.

Date of Interview: 04 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: 1.


Identification of prior art discussed: n/a.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

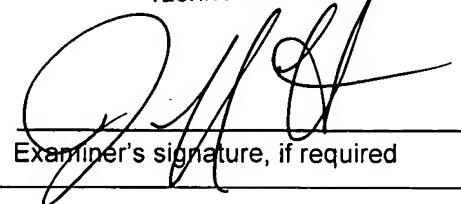
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


 CHARLES A. MARMOR II
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3700

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant and Examiner discussed the outstanding Final Office Action mailed 05/09/2007, replacement drawings, and proposed amendments to the claims.

Applicant and Examiner agreed the replacement drawings appeared to obviate the objections thereto.

Applicant and Examiner discussed the proposed amendments with regards to 35 USC 112.1 and agreed they appeared to render the outstanding 112.1 rejections moot and did not appear to necessitate new 112.1 rejections.

Also, the Examiner noted the proposed claim amendments may be subject to a Requirement for Restriction/Election.

Appl. No. 10/007,393
Proposed Claims for RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being transmitted to the US Patent Office via facsimile to (571) 273-4730 on 01 October 2007.

Rosalie A. Centeno

Rosalie A. Centeno, Secretary

Appl. No. : 10/007,393
Applicant : Joel S. Hochman et al
Filed : October 26, 2001
For : SYSTEM AND METHOD FOR TRANSDUCING, SENSING, OR
AFFECTING VAGINAL OR BODY CONDITIONS, AND/OR
STIMULATING PERINEAL MUSCULATURE AND NERVES
USING 2-WAY WIRELESS COMMUNICATIONS
TC/A.U. : 3736
Examiner : Charles A. Marmor II

Customer No: 30996

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PROPOSED CLAIMS FOR RCE AND INTERVIEW

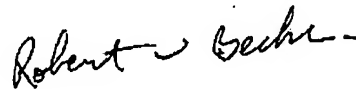
Dear Sir:

I appreciate your willingness to conduct a telephone interview with us this Thursday, October 4, 2007 at 3:00 PM, Eastern time, to discuss whether our proposed RCE claims (attached) are properly addressing at least the 35 U.S.C. 112 issues that you have raised. We will point out, especially in the new claims, the limitations that we have added.

Appl. No. 10/007,393
Proposed Claims for RCE

Also attached are a copy of an Associate Power of Attorney and proposed replacement drawing sheets to show the antenna 40, 40' in the probe and controller respectively.

Respectfully submitted,



Robert W. Becker, Reg. 26,255
Attorney for Applicant(s)

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Tijeras, New Mexico 87059

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RWB:rac

Attachments

Application No. 10/007,393
 Preliminary Amendment Submitted With RCE Application
 Reply to Office Action Mailed 05/09/2007

AMENDMENTS TO THE CLAIMS

The following listing of the claims replaces all prior versions and listings of claims in this application.

Listing of the Claims

A. Claim Text With Markings

1. (Currently amended) A system for ~~at least one of~~ transducing vaginal conditions, ~~affecting vaginal or body conditions,~~ and stimulating perineal musculature and/or nerves, in humans, comprising:

a single, separate unit in the form of a portable, ~~non-implanted~~ substantially cylindrical, combination probe, which integrates a transceiver, antenna, ~~programmable microprocessor,~~ and power source; has a substantially smooth and substantially sealed outer surface; and is adapted to ergonomically be inserted into, be removed from, and be entirely contained within a human's own vagina; and is provided with means for at least one of sensing and transducing a vaginal conditions, ~~delivering signals for~~ medication, and substantially annular means for stimulating perineal musculature and/or nerves, wherein said substantially annular means is substantially flush with the outer surface of the probe;

wherein said combination probe, ~~which integrates a transceiver, antenna and power source,~~ is provided with 2-way wireless communication means for transmitting information that is transduced and for receiving control and programming signals wirelessly and in real time; and

a single, separate unit in the form of a combination controller and transceiver that is provided with wireless means for sending signals to said probe and for receiving signals therefrom wirelessly and in real time; said signals to said probe comprising instructions to start, stop, and/or alter the level of stimulation;

wherein a wireless signal feedback loop is provided within said probe; and between said controller and said probe in real time during operation of the system and which may be an interactive or closed signal feedback wireless loop.

2. (Canceled)
3. (Canceled)
4. (Canceled)

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Preliminary Amendment Submitted With RCE Application
Reply to Office Action mailed 05/09/2007

5. (Canceled)
6. (Canceled)
7. (Canceled)
8. (Canceled)
9. (Canceled)
10. (Canceled)
11. (Canceled)
12. (Currently amended) A system according to claim 1, wherein said controller and/or said probe are/is provided with ~~a wireless~~ means to transmit signals to and/or receive signals from an external device[s], network[s], and/or database[s] wirelessly and in real time.
13. (Currently amended) A system according to claim 1[6], where said combination controller and transceiver is a hand-held unit.
14. (Canceled)
15. (Canceled)
16. (Canceled)
17. (Canceled)
18. (Canceled)
19. (Canceled)
20. (New) A system according to claim 1, wherein said probe is adapted to be programmed to start and/or stop sensing and/or stimulating after a predetermined period of time.
21. (New) A system according to claim 1, wherein said probe is adapted to be programmed to change its stimulating activity in response to sensed perineal muscle activity.
22. (New) A system according to claim 1, wherein said probe is adapted to be programmed to automatically change its stimulating activity over time.
23. (New) A system according to claim 22, wherein said probe is adapted to be programmed to stimulate perineal musculature and/or nerves in cycles of alternating stimulation and rest periods.

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 Preliminary Amendment Submitted With RCE Application
 Reply to Office Action mailed 05/09/2007

24. (New) A system according to claim 1, wherein said probe and/or said controller are/is provided with memory.
25. (New) A system according to claim 1, wherein said probe is adapted to deliver medication.
26. (New) A system according to claim 1, wherein an end of said probe is rounded.
27. (New) A system according to claim 1, wherein said probe is less than one inch in diameter and less than four inches long.
28. (New) A system according to claim 1, wherein said probe is provided with means for facilitating removal from a vagina.
29. (New) A system according to claim 1, further comprising a tester for the combination probe unit.
30. (New) A package comprising a system according to claim 29 and a holder adapted to hold said combination probe unit, said combination controller unit, and said tester.
31. (New) A system according to claim 1, wherein said system is adapted to permit a human user to operate the combination controller and transceiver while the said probe is in the human user's vagina.
32. (New) A system for stimulating pelvic muscles and/or nerves in a mammal, comprising:
 - a portable probe unit, said probe unit comprising a substantially cylindrical body having a substantially smooth and substantially sealed outer surface with a rounded end and so dimensioned as to permit comfortable and repeated insertion into, removal from, and containment entirely within a mammal's vagina; substantially annular means substantially flush with the outer surface of the body of the probe unit and adapted to deliver electrical pulses; a programmable microprocessor; memory; a battery; and two-way communication means with antenna and adapted to both transmit signals to a controller unit and receive signals from said controller unit wirelessly and in real time; and
 - a controller unit comprising two-way communication means adapted to both receive signals from said probe unit and transmit signals to said probe unit wirelessly and

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Application No. 10/007,393
Preliminary Amendment Submitted With RCE Application
Reply to Office Action mailed 05/09/2007

in real time, wherein said signals to said probe unit comprise instructions to start, stop, and/or alter the activity of the annular means of the probe unit.

33. (New) A system according to claim 32, said probe unit and/or said controller unit further comprising means for transmitting signals to and/or receiving signals from an external device, network, and/or database, wirelessly and in real time.

34. (New) A system according to claim 32, wherein said controller unit is provided with memory.

35. (New) A system according to claim 32, wherein said probe unit is adapted to be programmed to start and/or stop delivery of electrical pulses after a predetermined period of time.

36. (New) A system according to claim 32, wherein said probe unit is adapted to be programmed to deliver cycles of alternating electrical pulses and rest periods

37. (New) A system according to claim 32, wherein said probe unit is adapted to be programmed to deliver electrical pulses of varying strengths.

38. (New) A system according to claim 32, said probe unit further comprising means for sensing a vaginal condition.

39. (New) A system according to claim 38, wherein said probe unit is adapted to be programmed to adjust its delivery of electrical pulses in response to a sensed vaginal condition.

40. (New) A system according to claim 32, wherein said probe unit is adapted to deliver medication.

41. (New) A system according to claim 32, said probe unit further comprising means for facilitating removal of the probe from a mammal's vagina.

42. (New) A system according to claim 32, wherein said probe unit is less than one inch in diameter and less than four inches in length.

43. (New) A system according to claim 32, wherein said probe unit and said controller unit are adapted to be held together, and wherein separation of said probe unit and said controller unit causes said probe unit to turn on.

44. (New) A system according to claim 32, further comprising a tester for said probe unit.

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Preliminary Amendment Submitted With RCE Application
Reply to Office Action mailed 05/09/2007

45. (New) A system according to claim 44, further comprising a holder adapted to hold said probe unit, said controller unit, and said tester.
46. (New) A system according to claim 32, wherein said controller unit is adapted to be hand-held.
47. (New) A system according to claim 32, wherein said controller unit is adapted to permit manual operation and control of said probe unit.
48. (New) A system for sensing and transducing vaginal conditions, comprising:
a portable probe unit comprising a body having a substantially smooth and substantially sealed outer surface and adapted to be comfortably, temporarily and repeatedly inserted into, contained entirely within, and removed from a user's vagina;
means for sensing at least one vaginal condition of pH, secretion viscosity, the presence of a pathogen, the presence of atypical cells, and activity of pelvic muscles and/or nerves;
means for affecting a vaginal condition; a programmable microprocessor; a power source; an antenna; and two-way communication means adapted to transmit signals to a controller unit and receive signals from a controller unit, wirelessly and in real time;
said controller unit comprising two-way communication means adapted to receive signals from said probe unit and transmit signals to said probe unit, wirelessly and in real time, said signals to said probe unit comprising instructions to alter activity of the probe;
wherein a wireless signal feedback loop is provided within said probe unit and between said probe unit and said controller unit in real time during operation of the system.
49. (New) A system according to claim 48, wherein said probe unit is adapted to sense temperature, a physiological marker of a user's fertility cycle, and/or a metabolic abnormality of the user.
50. (New) A system according to claim 48, wherein said probe unit's said means for sensing a vaginal condition and/or said means for affecting a vaginal condition comprises at least one substantially annular electrode.
51. (New) A system according to claim 48, wherein said probe unit is adapted to sample cervical fluid.
52. (New) A system according to claim 48, wherein said means for affecting a vaginal condition comprises means adapted to deliver medication.

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Preliminary Amendment Submitted With RCE Application
Reply to Office Action filed 05/09/2007

53. (New) A system according to claim 48, wherein said means for affecting a vaginal condition comprises means for stimulating pelvic muscles and/or nerves.
54. (New) A system according to claim 48, wherein said system is adapted to be programmed to adjust its affecting function in response to a sensed vaginal condition.
55. (New) A system according to claim 48, wherein said system is adapted to be programmed to start, stop, and/or alter a function after a predetermined period of time.
56. (New) A system according to claim 48, wherein said probe unit and/or said controller unit further comprises memory.
57. (New) A system according to claim 48, wherein said probe unit and/or said controller unit further comprises means adapted to transmit signals to and/or receive signals from an external device, network, and/or database, wirelessly and in real time.
58. (New) A system according to claim 48, wherein the body of said probe unit is substantially cylindrical and has a rounded end.
59. (New) A system according to claim 48, wherein said body is less than one inch in diameter and less than four inches in length.
60. (New) A system according to claim 48, wherein said probe unit is less than four inches in its greatest dimension.
61. (New) A system according to claim 48, said probe unit further comprising means for facilitating removal of the probe from a user's vagina.
62. (New) A system according to claim 48, wherein said controller unit is adapted to be hand-held.
63. (New) A system according to claim 48, wherein said controller unit is adapted to be operated manually.
64. (New) A method for transducing or affecting a vaginal condition in a mammal, said method comprising the steps of:
- (a) activating a portable probe unit comprising a two-way transceiver with antenna, a programmable microprocessor, and a power source;
 - (b) inserting the probe unit substantially entirely into the vagina of a mammal;
 - (c) transmitting a signal wirelessly from a control unit outside the vagina to said probe unit and, in real time, transmitting a signal wirelessly from said probe unit to said control unit;

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Application No. 10/007,393
Preliminary Amendment Submitted With RCE Application
Reply to Office Action 1. dated 05/09/2007

(d) said probe unit performing at least one activity of sensing a vaginal condition, delivering a signal or medication to the vagina, and stimulating pelvic muscle and/or nerves;

(e) said probe unit ceasing said sensing, delivering, and/or stimulating activity;

(f) removing said probe unit from the vagina; and

(g) said probe unit and/or said control unit retaining memory of said sensing, delivering, and/or stimulating activity.

65. (New) A method according to claim 64, wherein said control unit is adapted to be hand-held.

66. (New) A method according to claim 64, wherein said vaginal condition is temperature, pH, secretion viscosity, the presence of a pathogen, the presence of atypical cells, a physiological marker of the mammal's fertility cycle, a metabolic abnormality of the mammal, or pelvic muscle contractions.

67. (New) A method according to claim 64, wherein said probe unit automatically ceases its sensing, delivering, and/or stimulating activity after a predetermined period of time.

68. (New) A method according to claim 64, wherein said probe unit stimulates pelvic muscles and/or nerves in cycles of alternating stimulation and rest periods.

69. (New) A method according to claim 64, further comprising a step of said probe unit sampling cervical fluid.

70. (New) A method according to claim 64, further comprising a step of said control unit wirelessly transmitting a signal to said probe unit to initiate the step of activating the probe unit.

71. (New) A method according to claim 64, further comprising a step of said control unit wirelessly transmitting a signal to said probe unit to increase, decrease, stop, and/or start the probe's sensing, delivering, and/or stimulating activity.

72. (New) A method according to claim 64, further comprising a step of said probe unit and/or said control unit transmitting a signal to and/or receiving a signal from an external device, network, or database, wirelessly and in real time.

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ROBERT BECKER

PAGE 10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Joel S. Hochman et al

Application No.: 10/007,393

Filed: October 26, 2001

Title: System and Method for Transducing,
Sensing, or Affecting Vaginal or Body
Conditions, and/or Stimulating Perineal
Musculature and Nerves Using Two-Way
Wireless Communications

Art Unit: 3735

Examiner: Charles Alan Marmorek II

Attorney Docket No.: Athenal

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPOINTMENT OF ASSOCIATE ATTORNEY/AGENT

Dear Sir:

In the above identified application, please recognize Marilyn Chimes, Registration Number 51,557, as my associate attorney/agent with full power to prosecute this application, to make alterations and amendments therein, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Respectfully Submitted,

Robert W. Becker
Reg. No. 26255

Date: 01 October 2007

ROBERT W. BECKER & ASSOCIATES
707 State Hwy 333
Suite B
Tijeras, NM 87059-7507
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10/01/2007 18:07 15052863524

ROBERT BECKER

PAGE 11

| Electronic Acknowledgement Receipt | |
|--------------------------------------|---|
| EFS ID: | 2266376 |
| Application Number: | 10007393 |
| International Application Number: | |
| Confirmation Number: | 9804 |
| Title of Invention: | System and method for transducing, sensing, or affecting vaginal or body conditions, and/or stimulating perineal musculature and nerves using 2-way wireless communications |
| First Named Inventor/Applicant Name: | Joe S. Hochman |
| Customer Number: | 30996 |
| Filer: | Robert W. Becker/Rosalie Centeno |
| Filer Authorized By: | Robert W. Becker |
| Attorney Docket Number: | Athena1 |
| Receipt Date: | 01-OCT-2007 |
| Filing Date: | 26-OCT-2001 |
| Time Stamp: | 19:57:30 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

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Warnings:

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PAGE 12

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| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 Indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> | |

Appl. No. 10/007,393
Proposed Claims for RCE

10/4/07 - Drawings Attached

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PROPOSED CLAIMS FOR RCE AND INTERVIEW

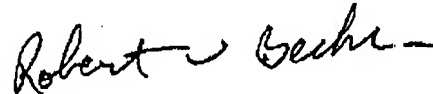
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Respectfully submitted,



Robert W. Becker, Reg. 26,251
Attorney for Applicant(s)

ROBERT W. BECKER & ASSOCIATES
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Telephone: 505 286 3511
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RWB:rac

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Musculature and Nerves Using Two-Way
Wireless Communications

Art Unit: 3735

Examiner: Charles Alan Morrison II

Attorney Docket No.: Athenal

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| First Named Inventor/Applicant Name: | Joel S. Hochman |
| Customer Number: | 30996 |
| Filer: | Robert W. Becker/Rosalie Centeno |
| Filer Authorized By: | Robert W. Becker |
| Attorney Docket Number: | Athena1 |
| Receipt Date: | 01-OCT-2007 |
| Filing Date: | 26-OCT-2001 |
| Time Stamp: | 19:57:30 |
| Application Type: | Utility under 35 USC 111(a) |

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| Submitted with Payment | no |
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File Listing:

| Document Number | Document Description | File Name | File Size(Byte) /Message Digest | Multi Part /zip | Pages (if appl.) |
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| 1 | Power of Attorney | 100107AssocPwrOfAttnyUS PTO.pdf | 151193 0003327570556431440547ebc0d1c4d0cc217h9 | no | 1 |

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FIG. 4

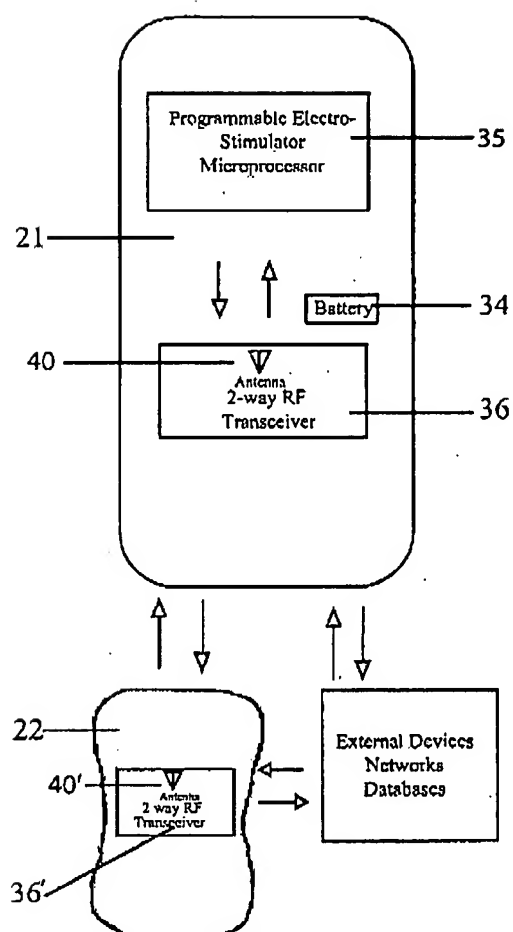


FIG 5

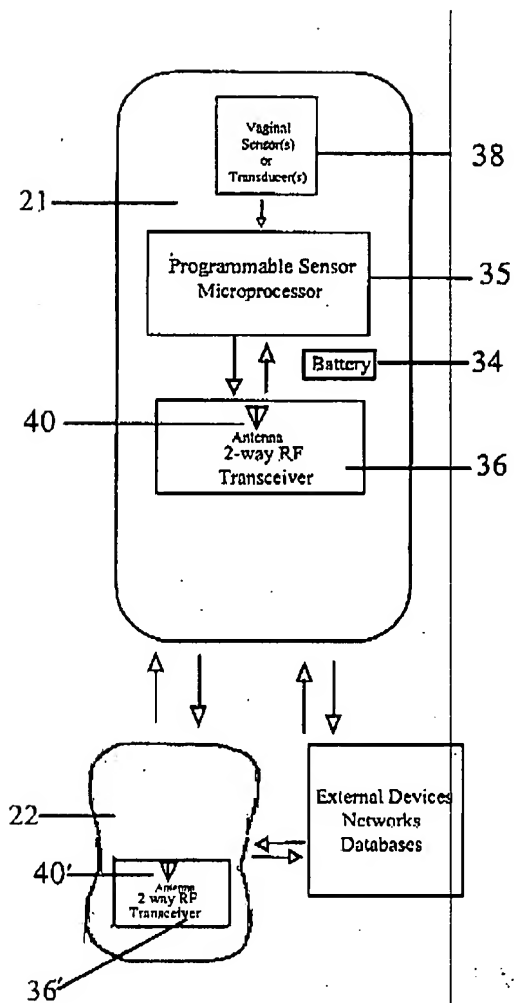


FIG 6

